

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
WARREN C. HAVENS et al.)	FCC File Nos. 0001082495-2548,
Petitions Opposing Applications filed by or relating)	0002303355, 0003796473, 0004030479,
to Maritime Communications/Land Mobile, LLC)	0004136453, 0004193028, 0004315013,
)	0004430505, 0004507921, 0004636537,
)	0004604962, 0004738157, 0005224980,
)	0005531404-57, 0006446692

ORDER

Adopted: January 5, 2017

Released: January 6, 2017

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. We have before us a number of pleadings filed by Warren C. Havens and associated entities (collectively, Havens) against various applications filed by or relating to Maritime Communications/Land Mobile, LLC (MCLM).¹ For the reasons discussed below, we deny all of the pleadings.

2. The Havens pleadings argue primarily that the referenced applications should be denied or dismissed because MCLM lacks the basic character qualifications to be a Commission licensee, and that its licenses are therefore subject to revocation. Havens alleges in particular that MCLM engaged in misrepresentation, lack of candor and other misconduct in connection with its application for, and subsequent filings related to its acquisition of, four geographic Automated Maritime Telecommunications System licenses in Auction 61. In 2011, the Commission designated MCLM for hearing on its basic qualifications based on the same alleged misconduct that was discussed in the Havens pleadings.² On December 14, 2016, however, the Commission adopted an *Order on Reconsideration and Memorandum Opinion and Order (Order on Reconsideration)*³ terminating the hearing on MCLM's basic qualifications pursuant to the *Second Thursday* exception to the *Jefferson Radio* policy.⁴

¹ The pleadings are listed in the Appendix. We use the term "MCLM" to refer to the company both pre-bankruptcy and as a debtor-in-possession after it filed for Chapter 11 protection under the United States Bankruptcy Code.

² See *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, 26 FCC Rcd 6520 (2011) (*HDO*).

³ See *Maritime Communications/Land Mobile, LLC, Debtor-in-Possession*, Order on Reconsideration and Memorandum Opinion and Order, WT Docket No. 13-85, FCC 16-172 (rel. Dec. 15, 2016) (*Order on Reconsideration*).

⁴ The Commission's *Jefferson Radio* policy generally prohibits the assignment of a license while basic qualifications issues raised against the licensee remain unresolved, and thus serves as a deterrent to licensee misconduct. See, e.g., *Jefferson Radio Corp. v. FCC*, 340 F.2d 781, 783 (D.C. Cir. 1964); *Stereo Broadcasters, Inc. v. FCC*, 652 F.2d 1026, 1030 (D.C. Cir. 1981). The *Second Thursday* doctrine creates an exception to the *Jefferson Radio* policy that, notwithstanding that issues regarding the licensee's basic qualifications are unresolved, permits grant of a license assignment application if the licensee is in bankruptcy, the assignment will benefit innocent creditors of the licensee, and the individuals charged with misconduct will have no part in the proposed operations and will either derive no benefit from favorable action on the application or only derive a minor benefit which benefit is outweighed by equitable considerations in favor of innocent creditors. See, e.g., *Second Thursday Corp.*, Memorandum Opinion (continued....)

3. In the *Order on Reconsideration*, the Commission stated that its decision “paves the way for MCLM’s remaining licenses to be assigned to qualified third parties”⁵ and it directed the Wireless Telecommunications Bureau (Bureau) to process the MCLM applications that had been designated for hearing “in accordance with the Commission’s regulations and policies.”⁶ It added, “With this grant of *Second Thursday* relief and the consequent termination of the hearing on MCLM’s license qualifications, the *Jefferson Radio* policy is no longer an obstacle to the processing of any of the pending assignment applications.”⁷

4. Although the *Order on Reconsideration* addressed a different set of applications from those before us here, it nevertheless leads us to conclude that the Havens pleadings, to the extent that they rely on alleged misconduct or character issues, should be denied. In that order, the Commission determined that MCLM’s licenses could be transferred to Choctaw Holdings, LLC, (Choctaw) notwithstanding any unresolved issues of MCLM’s basic qualifications, because the *Second Thursday* factors were satisfied.⁸ The Commission anticipated that the licenses at issue before us would be assigned to Choctaw after the Wireless Telecommunications Bureau processed pending matters in accordance with the Commission’s regulations and policies.⁹ Thus, for the same reasons given by the Commission in the *Order on Reconsideration*, we find that unresolved allegations of misconduct and lack of basic qualifications do not prevent us from acting on these applications.

5. The Havens pleadings are based primarily, and often almost entirely, on allegations of misconduct by MCLM. We have nonetheless closely examined the Havens pleadings to assess whether they contain any allegations that arguably do not relate to MCLM’s alleged misconduct or its character qualifications. We have identified a few arguments that might qualify as unrelated to MCLM misconduct/qualifications. We find, however, that these arguments are mostly frivolous, have in many cases already been rejected in other proceedings, and are otherwise unpersuasive.¹⁰

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and Order, 22 FCC 2d 515, 516, para. 5, *recon. granted in part*, Memorandum Opinion and Order, 25 FCC 2d 112 (1970).

⁵ See *Order on Reconsideration* at 3, para. 1.

⁶ *Id.* at 9, n.57.

⁷ *Id.* at 10, para. 18. The *Order on Reconsideration* terminated the hearing as to MCLM’s basic qualifications, but did not terminate the hearing regarding an issue unrelated to MCLM’s basic qualifications, *viz.*, whether any of MCLM’s site-based licenses had terminated automatically due to a failure to construct or a permanent discontinuance of operation. *Id.* at 2-3, n.11. Our references here to the termination of the hearing should be understood to refer only to the basic qualifications issues that had been designated against MCLM.

⁸ Specifically, the Commission concluded that MCLM was in bankruptcy; the assignment would benefit innocent creditors of MCLM; and no person involved in the alleged misconduct would play any part in the proposed operations or, in light of the discharge in personal bankruptcy of Donald DePriest’s obligations under his personal guarantees of loans to MCLM, derive any benefit from favorable action on the assignment application. See *id.* at 6-10, paras. 9-17.

⁹ See *id.* at 9, n.59.

¹⁰ Among the petitions for reconsideration we deny here are (1) a Petition for Reconsideration Based on New Facts, filed on February 16, 2010, seeking reconsideration of a Commission order affirming the Bureau’s grant of renewal applications filed by Mobex Network Services, LLC (Mobex), for AMTS licenses that were subsequently assigned to MCLM, see *Mobex Network Services, LLC*, Memorandum Opinion and Order, 25 FCC Rcd 554 (2010); and (2) a Petition for Reconsideration Based Upon New Facts, & in the Alternative Section 1.41 Request, filed April 15, 2010, seeking reconsideration of a Commission order largely affirming the grant of renewal, assignment, and modification applications filed by Mobex but concluding that the authorization of one of the subject site-based AMTS licenses had terminated due to a permanent discontinuance of operation, see *Mobex Network Services, LLC*, Memorandum Opinion and Order, 25 FCC Rcd 3390 (2010). In addition to arguing that all of the applications should have been denied because of MCLM’s alleged lack of qualifications (even with respect to applications to
(continued....)

6. A number of these arguments are specific to pending applications to assign spectrum from MCLM to other parties. These arguments are without merit. Specifically, there is no basis to deny any of MCLM's pending assignment applications based on Havens's allegation that the proposed assignee is itself guilty of misconduct because it is helping MCLM "launder" its licenses;¹¹ that permitting the assignment would be in derogation of Havens's "Ashbacker rights" to the license(s);¹² that the assignment application is defective because it does not request waivers of the Part 80 rules necessary to allow the spectrum to be used for non-maritime communications;¹³ that the asset purchase agreement negotiated by MCLM and the proposed assignee contains false representations and warranties;¹⁴ and that MCLM is a "sham entity" that cannot execute a contract with an assignee.¹⁵ Similarly unavailing are Havens's arguments regarding the sufficiency of the Section 20.9(b) certifications¹⁶ that accompany several of the applications.¹⁷ Finally, we reject Havens's arguments that some applications should be

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which MCLM was not a party), the petitions raise other arguments that are not "new" and that are meritless and/or repetitious. Almost all of the licenses involved in these two orders have been canceled or have expired, and the petitions are moot as to the applications containing only such licenses. With respect to the other applications, we find that the petitions plainly do not warrant consideration by the Commission, and we accordingly deny them under authority of Section 1.106(p) of the Rules. *See, e.g.*, 47 CFR §§ 1.106(p), (p)(1), (p)(3).

¹¹ *See, e.g.*, Pinnacle Lease PFR at 10-12; EnCana Assignment PTD at 10-12; DEMCO Assignment PTD at 82-84; SVEC Assignment PTD at 2. Havens has cited no precedent for the proposition that the pendency of questions regarding a proposed assignor's qualifications suggests wrongdoing on the part of the proposed assignee.

¹² *See, e.g.*, Pinnacle Lease PFR at 28; WHG750 Modification PTD at 55-56; Puget Sound Assignment PTD at 55-56; Enbridge Assignment PTD at 75. The right to a hearing vindicated by the United States Supreme Court decision in *Ashbacker v. FCC*, 26 U.S. 327 (1945), does not apply where licenses are awarded through competitive bidding, as in Auction 61. *See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Notice of Proposed Rule Making, WT Docket No. 99-87, 14 FCC Rcd 5206, 5210, n.11 (1999).

¹³ *See, e.g.*, EnCana Assignment PTD at 5-7. Even if a proposed assignee needs waivers to accommodate its proposed operations, it is not required to request such waivers in the assignment application; it need only ensure that it not commence operations out of compliance with the rules in the absence of a waiver.

¹⁴ *See, e.g.*, 2009 EnCana Assignment PTD at 8-10. The Commission has a longstanding policy of not adjudicating private contract law questions for which a forum exists in state courts. *See Ely Radio, LLC*, Order on Review, 28 FCC Rcd 5950, 5954, n.32 (2013), *citing, inter alia, Listeners' Guild, Inc. v. FCC*, 813 F.2d 465, 469 (D.C. Cir. 1987).

¹⁵ *See, e.g.*, WHG750 Modification PTD at 14-19; Enbridge Assignment PTD at 30-34; DEMCO Assignment PTD at 30-34. The question of whether an entity can legally execute a contract is, like the validity of an asset purchase agreement, a matter of contract law to be addressed by state courts rather than the Commission. *See* note 17, *supra*.

¹⁶ Section 20.9(b) of the Commission's Rules, 47 CFR § 20.9(b), provides that applicants and licensees in certain services, including the AMTS service, are presumptively treated as commercial mobile radio service (CMRS) providers, but may seek to provide private mobile radio service by filing an application with a certification describing the proposed service that is sufficient to overcome the presumption of CMRS operation.

¹⁷ Havens variously argues that a particular Section 20.9(b) certification filed by MCLM is false because MCLM does not intend to operate as a private mobile radio service provider (but instead seeks only to sell the spectrum); that another Section 20.9(b) certification was insufficiently detailed; and that the latter certification should also be denied because the Commission gave public notice of the application but not of the certification and did not disclose that parties had 30 days to file pleadings against the certification. *See, e.g.*, WHG Modification PTD at 23-26 (arguing that certification was false); Denton Assignment PTD at 10-12 (arguing that certification was insufficiently detailed); *id.* at 8-9 (argument regarding public notice). We are satisfied that the certifications are sufficient and trustworthy, and we note that nothing in the Commission's Rules requires that the Commission give public notice of the filing of a Section 20.9(b) certification separate from or in addition to public notice of the application to which it is attached. We further note that the Commission granted the application (and implicitly the certification) only after the application had been on public notice as accepted for filing for more than 30 days, and Havens does not claim to have been prejudiced in any way by this procedure.

denied or dismissed because MCLM is or was delinquent on regulatory fees;¹⁸ MCLM failed to disclose that it had certain licenses terminated;¹⁹ the MCLM signatory was not authorized to sign the application;²⁰ the Bureau misconstrued a certain Part 80 rule;²¹ or the proceeding is tainted by staff bias against Havens.²²

7. We conclude that the Commission's *Order on Reconsideration* precludes us from denying, dismissing, or reconsidering the grant of, any of the subject MCLM applications based on the alleged licensee misconduct,²³ and that the other arguments in the referenced Havens pleadings lack merit. Consequently, we deny the pleadings.²⁴

8. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and sections 1.41 and 1.106 of the Commission's Rules, 47 CFR §§ 1.41, 1.106, that the Petition for Reconsideration, filed by Telesaurus Holdings GB, LLC on April 9, 2007, IS DENIED.

¹⁸ See, e.g., EnCana Assignment PTD at 9-10. The Commission does not rely on pleadings to determine whether an applicant is delinquent in the payment of regulatory fees. Under its "red light" policy, the Commission examines all applications to determine if the applicant is delinquent on a debt owed to the Commission, including but not limited to the payment of regulatory fees, and it withholds action on applications from any entity that is so delinquent. See 47 CFR § 1.1910(b)(2).

¹⁹ See, e.g., Encana Assignment PTD at 9-10; WHG750 Modification PTD at 21-22; Enbridge Assignment PTD at 36-37. Havens alleges only that the applications fail to disclose the termination of licenses that had been held by Mobex, but that entity is not a party to any of the subject applications and Havens fails to cite to any precedent requiring the disclosure of the termination of licenses held by a non-party.

²⁰ See, e.g., EnCana Assignment PTD at 8-9; WHG Modification PTD at 19-21; Puget Sound Assignment PTD at 26-27. Havens points to statements by MCLM principals denying that the individual in question, John Reardon, was an officer of MCLM during specified periods, but does not offer any evidence suggesting that Reardon was not "duly authorized" to sign applications on behalf of MCLM when he signed such applications. See 47 CFR § 1.917.

²¹ See, e.g., Telesaurus PFR Based on New Facts at 3-5. The Commission has repeatedly rejected this argument by Havens, which relates to the alleged non-compliance of Mobex with 47 CFR § 80.475(a). See, e.g., *Mobex Network Services, LLC*, Memorandum Opinion and Order, 25 FCC Rcd 3390, 3394-95, para. 9 (2010).

²² See, e.g., WHG Modification PTD at 12-14; Puget Sound Assignment PTD at 15-18; Enbridge Assignment PTD at 27-30; DEMCO Assignment PTD at 27-28. As noted by the Commission in the *Order on Reconsideration*, "Havens has repeatedly claimed that Commission staff is biased against him, and the Commission has repeatedly rejected those claims as unsubstantiated." See *Order on Reconsideration*, at 12, para. 21, citing *Intelligent Transportation and Monitoring Wireless LLC and AMTS Consortium, LLC*, Memorandum Opinion and Order, 27 FCC Rcd 7720, 7729-30, para. 25 (2012).

²³ Although many of Havens's pleadings include informal requests for Commission action under Section 1.41 of the Rules, 47 CFR § 1.41, as alternative relief should the Commission find the pleading wanting as a petition to deny or a petition for reconsideration, the inclusion of those alternative requests does not change our analysis and we decline to grant any relief under Section 1.41. Havens routinely includes such alternative requests in his pleadings and the Commission just as routinely denies them as unwarranted because Section 1.41 is not intended to supplant or provide litigants with a means of circumventing the rules governing formal pleadings. See, e.g., *Warren C. Havens*, Memorandum Opinion and Order, 28 FCC Rcd 16261, 16268, para. 18 (2013).

²⁴ Our denial of the WRV374 Renewal PTD, the KAE889 Renewal PTD, and the WHG750 Renewal PTD is without prejudice to a determination as to whether any of those licenses has canceled under the Rules. See *Order on Reconsideration* at 3, n.11. The WHG750 Renewal PTD also seeks denial or dismissal of renewal applications for licenses that are now expired, and is therefore dismissed as moot with respect to those other renewal applications.

9. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and sections 1.41 and 1.106 of the Commission's Rules, 47 CFR §§ 1.41, 1.106, that the Petition for Reconsideration, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation on July 10, 2009, IS DENIED.

10. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and sections 1.41 and 1.106 of the Commission's Rules, 47 CFR §§ 1.41, 1.106, that the Petition for Reconsideration Based on New Facts, filed by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, and Telesaurus Holdings GB LLC on September 14, 2009, IS DENIED.

11. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Deny, or in the alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB LLC, V2G LLC and Skybridge Spectrum Foundation on December 2, 2009, IS DENIED.

12. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and sections 1.41 and 1.106 of the Commission's Rules, 47 CFR §§ 1.41, 1.106, that the Petition for Reconsideration Based on New Facts, filed by Warren C. Havens, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB, and Skybridge Spectrum Foundation on February 16, 2010, IS DENIED.

13. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and sections 1.41 and 1.106 of the Commission's Rules, 47 CFR §§ 1.41, 1.106, that the Petition for Reconsideration Based Upon New Facts & in the Alternative Section 1.41 Request, filed by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, and Telesaurus Holdings GB, on April 15, 2010, IS DENIED.

14. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and sections 1.41 and 1.106 of the Commission's Rules, 47 CFR §§ 1.41, 1.106, that the Petition for Reconsideration, or in the Alternative Section 1.41 Request, filed by Warren Havens, Verde Systems LLC, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB LLC, and Skybridge Spectrum Foundation on April 23, 2010, IS DENIED.

15. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Deny, or in the Alternative Section 1.41 Request, filed by Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB Skybridge Spectrum Foundation, and Warren Havens on May 7, 2010, IS DENIED.

16. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Deny, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB Skybridge Spectrum Foundation on July 28, 2010, IS DENIED.

17. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of

the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Deny, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation on December 8, 2010, IS DENIED.

18. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Deny, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation on December 16, 2010, IS DENIED.

19. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation on March 30, 2011, IS DENIED.

20. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed by Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB LLC, V2G LLC, Skybridge Spectrum Foundation, and Warren Havens on April 27, 2011, IS DENIED.

21. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation on July 11, 2011, IS DENIED.

22. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation on July 25, 2012, IS DENIED.

23. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Environmental-2 LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, Skybridge Spectrum Foundation, and V2G LLC on January 25, 2013, IS DENIED IN PART AND DISMISSED IN PART.

24. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(d), and sections 1.41 and 1.939 of the Commission's Rules, 47 CFR §§ 1.41, 1.939, that the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation on October 10, 2014, IS DENIED.

25. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

APPENDIX

Pleadings Denied or Dismissed in This Order

(Listed Chronologically)

Petition for Reconsideration [based on new facts], filed April 9, 2007, by Telesaurus Holdings GB, LLC (seeking reconsideration of WTB order affirming grant of application by Maritime Communications/Land Mobile LLC for new AMTS licenses — FCC File No. 0002303355) (Telesaurus PFR Based on New Facts).

Petition for Reconsideration, or in the Alternative Section 1.41 Request, filed July 10, 2009, by Warren Havens, Environmental LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and Skybridge Spectrum Foundation (seeking reconsideration of the acceptance of a lease of MCLM spectrum to Spectrum Tracking Systems, Inc. — FCC File No. 0003796473).

Petition for Reconsideration Based on New Facts, filed September 14, 2009, by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, and Telesaurus Holdings GB LLC (seeking reconsideration of WTB order affirming grant of application by Maritime Communications/Land Mobile LLC for new AMTS licenses — FCC File No. 0002303355) (Havens PFR Based on New Facts).

Petition to Deny, or in the alternative Section 1.41 Request, filed December 2, 2009, by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB LLC, V2G LLC and Skybridge Spectrum Foundation (seeking denial of an application to assign spectrum to EnCana Oil & Gas (USA) Inc. — FCC File No. 0004030479) (2009 EnCana Assignment PTD).

Petition for Reconsideration Based on New Facts, filed February 16, 2010, by Warren C. Havens, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, Telesaurus Holdings GB, and Skybridge Spectrum Foundation (seeking reconsideration of FCC order denying review of Wireless Telecommunications Bureau orders granting renewal applications filed by Mobex Network Services, LLC — FCC File Nos. 0001082495-2548).

Petition for Reconsideration Based Upon New Fact, & in the Alternative Section 1.41 Request, filed April 15, 2010, by Warren Havens, Skybridge Spectrum Foundation, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Verde Systems LLC, and Telesaurus Holdings GB (seeking reconsideration of FCC order granting in part and denying in part review of Wireless Telecommunications orders addressing renewal and modification applications filed by Mobex Network Services, LLC and an application to assign licenses from Mobex Network Services, LLC to Maritime Communications/Land Mobile, LLC — FCC File Nos. 0001370847-48, 0001370850, 0001768691, 0002197542, 0001438800, 0001439011, 0002363519-21).

Petition for Reconsideration, or in the Alternative Section 1.41 Request, filed April 23, 2010, by Warren Havens, Verde Systems LLC, Environmental LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB LLC, and Skybridge Spectrum Foundation (seeking reconsideration of the acceptance of a lease of MCLM spectrum to Pinnacle Wireless, LLC — FCC File No. 0004136453) (Pinnacle Lease PFR).

Petition to Deny, or in the Alternative Section 1.41 Request, filed May 7, 2010, by Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, Skybridge Spectrum Foundation, and Warren Havens (seeking denial of an application to modify the license for AMTS station WHG750 — FCC File No. 0004193028) (WHG750 Modification PTD).

Petition to Deny, or in the Alternative Section 1.41 Request, filed July 28, 2010, by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, Skybridge Spectrum Foundation (seeking denial of an application to assign spectrum to Puget Sound Energy, Inc. — FCC File No. 0004315013 (Puget Sound Assignment PTD).

Petition to Deny, or in the Alternative Section 1.41 Request, filed December 8, 2010, by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation (seeking denial of an application to assign spectrum to Enbridge Energy Company, Inc. — FCC File No. 0004430505 (Enbridge Assignment PTD).

Petition to Deny, or in the Alternative Section 1.41 Request, filed December 16, 2010, by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation (seeking denial of an application to assign spectrum to Dixie Electric Membership Company, Inc. — FCC File No. 0004507921 (DEMCO Assignment PTD).

Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed March 30, 2011, by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation (seeking dismissal or denial of an application to assign spectrum to Denton County Electric Cooperative, Inc. dba CoServ Electric — FCC File No. 0004636537) (Denton County Assignment PTD).

Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed April 27, 2011, by Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB LLC, V2G LLC, Skybridge Spectrum Foundation, and Warren Havens (seeking dismissal or denial of an application to assign spectrum to EnCana Oil & Gas (USA) Inc. — FCC File No. 0004604962) (EnCana Assignment PTD).

Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed July 11, 2011, by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation (seeking dismissal or denial of an application to renew the license for AMTS station WRV374 — FCC File No. 0004738157 (WRV374 Renewal PTD).

Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed July 25, 2012, by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation (seeking dismissal or denial of an application to assign spectrum to Shenandoah Valley Electric Cooperative — FCC File No. 0005224980) (SVEC Assignment PTD).

Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed January 25, 2013, by Warren C. Havens, Environmental LLC, Environmental-2 LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB LLC, Skybridge Spectrum Foundation, and V2G LLC (seeking dismissal or denial of applications to renew the licenses for AMTS stations WHG693, WHG701-WHG703, WHG705-WHG754 — FCC File Nos. 0005531404-0005531457) (WHG750 Renewal PTD).

Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request, filed October 10, 2014, by Warren Havens, Environmental LLC, Verde Systems LLC, Intelligent Transportation & Monitoring Wireless LLC, Telesaurus Holdings GB, V2G LLC, and Skybridge Spectrum Foundation (seeking dismissal or denial of an application to renew the license for AMTS station KAE889 — FCC File No. 0006446692) (KAE889 Renewal PTD).